

**PROPOSED ZONING AMENDMENTS –
ACCESSORY DWELLING UNITS AND GARDEN COTTAGES**
Planning Board Public Hearing – October 20, 2016

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance, be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

- 1 A. In Article 4 – Zoning Districts and Use Regulations, Section 10.440 – Table of Uses
- 2 – Residential, Mixed Residential, Business and Industrial Districts, insert new uses
- 3 #1.20 and #1.30 as follows:

| Use | R | SRA SRB | GRA GRB | GRC (A) | GA/ MH | MRO CD4- L1 | CD4- L2 | MRB | CD5 CD4 |
|-------------------------------------|-----------|------------|------------|------------|-----------|-------------------|------------|-----------|------------|
| 1.20 Accessory dwelling unit | | | | | | | | | |
| 1.21 Attached | CU | CU | CU | CU | N | CU | CU | CU | CU |
| 1.22 Detached | CU | CU | CU | N | N | N | N | N | N |
| 1.30 Garden Cottage | CU | CU | CU | CU | N | CU | CU | CU | CU |

| Use | GB | GW | B | WB | OR | I | WI | Supplemental Regulations |
|-------------------------------------|----------|----------|----------|----------|----------|----------|----------|--|
| 1.20 Accessory dwelling unit | | | | | | | | 10.814 (Accessory Dwelling Units) |
| 1.21 Attached | N | N | N | N | N | N | N | |
| 1.22 Detached | N | N | N | N | N | N | N | |
| 1.30 Garden Cottage | N | N | N | N | N | N | N | 10.815 (Garden Cottages) |

- 4 and renumber existing uses #1.20 through 1.80 accordingly.

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7 B. In Article 8 – Supplemental Use Standards, insert the following new Sections 10.814
8 and 10.815:
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10 10.814 Accessory Dwelling Units

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12 10.814.10 One, and only one, accessory dwelling unit shall be allowed on any
13 lot containing a single-family dwelling. An accessory dwelling unit
14 shall not be allowed under this Section 10.814 on a lot that contains
15 more than one dwelling unit.
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17 10.814.20 Except as provided in elsewhere in this Section 10.814, all land use
18 regulations applicable to a single-family dwelling shall also apply to
19 the combination of a principal dwelling unit and an accessory
20 dwelling unit.
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22 10.814.30 All accessory dwelling units shall comply with the following
23 standards:
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25 10.814.31 The principal dwelling unit and the accessory dwelling
26 unit shall not be separated in ownership (including by
27 condominium ownership).
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29 10.814.32 Either the principal dwelling unit or the accessory dwell-
30 ing unit shall be occupied by the owner of the dwelling.
31 The owner shall provide documentation demonstrating to
32 the satisfaction of the City that one of the units is his or
33 her principal place of residence.
34

35 10.814.33 Neither the principal dwelling nor the accessory dwelling
36 unit shall be used for any business, except that the
37 property owner may have a home occupation use in the
38 unit that he or she occupies as allowed or permitted
39 elsewhere in this Ordinance.
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41 10.814.34 In addition to the two off-street parking spaces required
42 for the single-family dwelling, one parking space shall be
43 provided for an ADU up to 400 sq. ft. gross floor area,
44 and two parking spaces shall be provided for an ADU
45 larger than 400 sq. ft.
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- 47 10.814.40 An attached accessory dwelling unit (AADU) shall comply with the
48 following **additional** standards:
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- 50 10.814.41 An interior door shall be provided between the principal
51 dwelling unit and the accessory dwelling unit.
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- 53 10.814.42 The accessory dwelling unit shall not have more than two
54 bedrooms and shall not be larger than 750 square feet
55 gross floor area.
56
- 57 10.814.43 Any exterior changes to the single-family dwelling shall
58 maintain the appearance of a single-family dwelling. If
59 there are two or more doors in the front of the dwelling,
60 one door shall clearly be the principal entrance and the
61 others shall be designed to appear to be secondary.
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- 63 10.814.50 A detached accessory dwelling unit (DADU) shall comply with the
64 following **additional** standards:
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- 66 10.814.51 **In a General Residence district, the combination of the
67 principal dwelling and the DADU shall comply with the
68 minimum lot area per dwelling unit specified for the
69 district.**
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- 71 10.814.52 The DADU shall not have more than two bedrooms and
72 shall not be larger than 750 square feet gross floor area;
73 except that the maximum gross floor area shall be 1,000
74 square feet if the lot area is 2 acres or more.
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- 76 10.814.54 The DADU shall be separated from the single-family
77 dwelling by at least 20 feet.
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- 79 10.814.60 Before granting a conditional use permit for an attached or detached
80 ADU, the Planning Board shall make the following findings:
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- 82 10.814.61 Exterior design of the ADU is compatible with the existing
83 residence on the lot through architectural use of building
84 forms, scale and construction materials.
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- 86 10.814.62 The site plan provides adequate open space and land-
87 scaping that is useful for both the ADU and the primary
88 dwelling.
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- 90 10.814.63 The ADU will maintain a compatible relationship to adja-
91 cent properties in terms of location and design, and will
92 not significantly reduce the privacy of adjacent properties.

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10.814.64 The ADU will not result in excessive noise, traffic or parking congestion.

10.814.70 A certificate of use issued by the Planning Department is required to verify compliance with the standards of this Section, including the owner-occupancy requirement. Said certificate shall be renewed annually.

10.815 Garden Cottages

An accessory building existing on the effective date of this ordinance may be converted to a garden cottage through a conditional use permit granted by the Planning Board, subject to the following provisions and limitations.

10.815.10 One garden cottage, and only one, shall be allowed on any lot containing a single-family dwelling.

10.815.20 Relationship to other provisions of this Ordinance:

10.815.21 No garden cottage shall be allowed on the same lot as an accessory dwelling unit authorized under this Ordinance.

10.815.22 The establishment of a garden cottage results in two dwelling units on the property and thus makes the property ineligible to establish an accessory dwelling unit under RSA 674:72-73 and this Ordinance. As a condition of receiving a conditional use permit for a garden cottage, the property owner shall waive all rights under RSA 674:72 and RSA 674:73.

10.815.23 A garden cottage that complies with the standards of this section is exempt from the residential density standards of the Zoning Ordinance. A second dwelling unit on a lot that does not comply with the standards of this section shall be considered to be either a second primary dwelling or an accessory dwelling unit and shall comply with the applicable standards and provisions of the Ordinance.

- 134 10.815.30 Garden cottages shall comply with the following standards:
135
136 10.815.31 The existing accessory building shall not be expanded
137 either vertically or horizontally, other than through the
138 addition of a front entry not to exceed 50 sq. ft., or a side
139 or rear deck not to exceed 300 sq. ft.
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141 10.815.32 A garden cottage shall not be larger than 500 square feet
142 gross floor area.
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144 10.815.33 A garden cottage that is within a required yard for the
145 zoning district shall not have any windows or doors
146 higher than eight feet above grade facing the adjacent
147 property.
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149 10.815.34 One parking space shall be provided for a garden cottage
150 in addition to the two off-street parking spaces required
151 for the single-family dwelling.
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153 10.815.35 The principal dwelling unit and the garden cottage shall
154 not be separated in ownership (including by condomin-
155 ium ownership); and either the principal dwelling unit or
156 the garden cottage shall be occupied by the owner of the
157 property. The owner shall provide documentation
158 demonstrating to the satisfaction of the City that one of
159 the units is his or her principal place of residence.
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161 10.815.40 Before granting a special exception for a garden cottage, the
162 **Planning Board** shall make the following findings:
163
164 10.815.41 Exterior design of the garden cottage is compatible with
165 the existing residence on the lot through architectural use
166 of building forms, scale and construction materials.
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168 10.815.42 The site plan provides adequate open space and land-
169 scaping that is useful for both the garden cottage and the
170 primary dwelling.
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172 10.815.43 The garden cottage will maintain a compatible relation-
173 ship to adjacent properties in terms of location and
174 design, and will not significantly reduce the privacy of
175 adjacent properties.
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177 10.815.44 The garden cottage will not result in excessive noise,
178 traffic or parking congestion.
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180 10.815.50 A certificate of use issued by the Planning Department is required to
181 verify compliance with the standards of this Section, including the
182 owner-occupancy requirement. Said certificate shall be renewed
183 annually.
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186 C. In Article 15 – Definitions, insert the following new definitions:
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Accessory dwelling unit (ADU)

189 A dwelling unit that is constructed on the same lot as a single-family
190 dwelling and complies with the standards for accessory dwelling units set
191 forth in this Ordinance.
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Attached accessory dwelling unit (AADU)

194 An accessory dwelling unit that is constructed within or attached to a
195 single-family dwelling. For the purpose of this definition, “attached”
196 means sharing a common wall for at least 25 percent of the length of
197 the side of the single-family dwelling.
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Detached accessory dwelling unit (DADU)

200 An accessory dwelling unit that is constructed within an accessory
201 building on a lot containing one single-family dwelling.
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203

Dwelling unit, accessory

204 See accessory dwelling unit.
205

206

Garden cottage

207 A dwelling unit that is constructed through conversion of an accessory
208 building on the same lot as a single-family dwelling and complies with the
209 standards for garden cottages set forth in the Ordinance.

The City Clerk shall properly alphabetize and/or re-number the ordinances as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.